

Amendment No. 1 to HB8003

Terry
Signature of Sponsor

AMEND <SB>

House Bill No. 8003

by deleting all language after the caption and substituting:

WHEREAS, setting forth the rights of people in the context of COVID-19 restrictions in a statute assists the citizens of this State, including large businesses relocating to this State, in the enforcement of their rights and creates a safe harbor for those desiring to avoid litigation, which will directly impact the new authority and new business brought to Tennessee; and

WHEREAS, Tennessee, as a great southern state within our federal system of government, is free to enact laws to protect the health and safety of its citizens, under the police power inherent to all states of a federal system of government; and

WHEREAS, consistent with our constitutionally recognized and inalienable right of liberty, every person within this State is and shall be free to choose or to decline to be vaccinated against the COVID-19 virus without penalty or threat of penalty, and shall understand the restrictions placed upon them to prevent the spread of COVID-19, as such uniform restrictions should be set out in the general law; and

WHEREAS, a new authority is anticipated to be created through general legislation in the 2nd Extraordinary Session of the One Hundred Twelfth General Assembly by call of the governor, and this new authority is anticipated to bring thousands of jobs to our great State, and it is incumbent upon the General Assembly to ensure that any entity within the authority or any person or entity conducting business with an entity within the authority benefits from a uniform system of restrictions regarding COVID-19, and that nothing in the creation of a new authority would exempt any person or employee from the enjoyment of a uniform system of restrictions regarding COVID-19; and

WHEREAS, a uniform system of restrictions or benefits regarding COVID-19 is beneficial to effectuate the creation and operation of a new authority; now, therefore, BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated is amended by adding the following as a new title:

14-1-101.

As used in this title:

(1) "COVID-19" means the novel coronavirus, SARS-CoV-2, and coronavirus disease 2019, commonly referred to as COVID-19, including a mutation of SARS-CoV-2 or COVID-19;

(2) "Medical treatment" means an immunization, vaccination, or injection for the SARS-CoV-2 virus or any variant of the SARS-CoV-2 virus;

(3) "Political subdivision":

(A) Means a local governmental entity, including a city, town, municipality, metropolitan government, county, utility district, school district, public building authority, housing authority, emergency communications district, county board of health, and development district created and existing pursuant to the laws of this state, or an instrumentality of government created by one (1) or more local governmental entities; and

(B) Does not include a governmental entity that is subject to a federal or state statute or rule that prohibits the entity from requiring medical treatment for those who object to the medical treatment on religious grounds or right of conscience;

(4) "Private business" means a person, proprietor, partnership, corporation, or other non-governmental entity, whether for profit or not for profit, engaged in business, commerce, or an activity in this state;

(5) "Proof of vaccination" means physical documentation or digital storage of protected health information related to an individual's immunization or vaccination against COVID-19; and

(6) "Vaccine" means a substance used to stimulate the production of antibodies and provide immunity against COVID-19, prepared from the causative agent of a disease, its products, or a synthetic substitute, treated to act as an antigen without inducing the disease, that is authorized or approved by the United States food and drug administration.

14-1-102.

(a) Notwithstanding title 58, chapter 2, or another law to the contrary, the governor, this state, its political subdivisions, and public officials do not have authority to suspend any provision of this title.

(b) This title is in addition to and supplemental to all other laws of this state; however, wherever the application of this title conflicts with the application of such other provisions, this title prevails.

14-1-103.

A state or local governmental official, entity, department, or agency shall not:

(1) Require, or mandate that a private business require, proof of vaccination as a condition of entering upon the premises of the business or utilizing services provided by the business; or

(2) Require proof of vaccination as a condition of entering upon the premises of a state or local government entity, or utilizing services provided by a state or local government entity.

14-1-104.

(a) A state agency or department shall not promulgate a rule, and a political subdivision of this state shall not promulgate, adopt, or enforce an ordinance or

resolution, that requires medical treatment for those who object to the medical treatment on religious grounds or by right of conscience.

(b) This section does not apply to a student of a public institution of higher education created pursuant to title 49, who is subject to the policies or rules of a private office that delivers healthcare services or of a healthcare facility, as defined in § 68-11-201, that is not owned or controlled by the public institution of higher education, when the student is participating in a program of study or fulfilling educational requirements for a program of study in:

- (1) Medicine;
- (2) Dentistry;
- (3) Pharmacy; or
- (4) Another healthcare profession.

14-1-105.

A person, private business, state or local governmental official, entity, department, or agency shall not compel a receipt of a COVID-19 vaccine by a person, including an employee or a consumer, who objects to such vaccination for any reason of personal conscience, based on a religious belief, or for medical reasons, including prior recovery from COVID-19.

14-1-106.

A person injured as a result of a violation of this title may bring a private right of action for injunctive relief and recover costs and reasonable attorneys' fees against the violator.

SECTION 2. Tennessee Code Annotated, Title 68, Chapter 5, Part 1, is amended by deleting §§ 68-5-115, 68-5-116, and 68-5-117.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.